

PLANNING COMMISSION

December 11, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Ballard, Griswold, Allen (arrived 6:37), Bonilla, Caballero, Oliverio (arrived 6:45), Yesney

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:30 p.m.

2. PUBLIC COMMENT

No comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP19-028.** Conditional Use Permit and Determination of Public Convenience or Necessity for an ABC License to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site located on the southeast corner of North King Road and Mabury Road (788 North King Road) (Rosado Letica and Carmelo G, Owner) Council District: 3. CEQA: Exempt pursuant to CEQA Section 15301(a) for Existing Facilities.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

ACTION: COMMISSIONER GRISWOLD MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

DROPPED TO BE RENOTICED AT A LATER DATE PER STAFF REQUEST.

COMMISSIONER ALLEN SECONDED THE MOTION. (6-0-1; OLIVERIO ABSENT)

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP17-028 \(Administrative Hearing\)](#). Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,647 square foot gas station (Arco) building, fueling canopy, gas dispensers and underground storage tanks, and construction of a new 24-hour use gas station with 3,054-square foot convenience store with off-sale of alcohol (beer & wine), 4,872-square foot gas fueling canopy over eight dual gas dispensers, 792-square foot 24-hour drive-through car wash, and removal of five ordinance-size trees, on a 0.75-gross acre site located northwest corner of Quimby Road and E. Capitol Expressway (2375 Quimby Road) (BP West Coast Prods LLC, Owner). Council District 8. CEQA: Mitigated Negative Declaration for the ARCO Redevelopment Project at 2375 Quimby Road.

PROJECT MANAGER, RINA SHAH

ACTION: COMMISSIONER GRISWOLD MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION, WITH CONDITION #6 ADDED, TO:

- 1. ADOPT A RESOLUTION ADOPTING THE ARCO REDEVELOPMENT PROJECT AT 2375 QUIMBY ROAD MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED.2. ADOPT A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING 1,647-SQUARE FOOT GAS STATION (INCLUDES REMOVAL OF A SMALL CONVENIENCE STORE, PUMP ISLAND CANOPY OVER FOUR DUAL GAS DISPENSERS AND UNDERGROUND STORAGE TANKS) AND CONSTRUCTION OF A NEW 24-HOUR GAS STATION WITH A 3,054-SQUARE FOOT 24-HOUR USE CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL (TYPE 20 BEER & WINE ONLY), WITH A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY, 4,872-SQUARE FOOT PUMP ISLAND CANOPY OVER EIGHT DUAL GAS FUELING DISPENSERS, NEW UNDERGROUND STORAGE TANKS, 792-SQUARE FOOT DRIVE-THROUGH 24-HOUR CAR WASH AND REMOVAL OF FIVE ORDINANCE-SIZE TREES ON A 0.75-GROSS ACRE SITE, IN THE CG COMMERCIAL GENERAL ZONING DISTRICT, AND ADDED CONDITION #6:**

(A) PERMIT ADJUSTMENT REQUIRED. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE PERMITTEE SHALL OBTAIN A PERMIT ADJUSTMENT, TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, FOR A REVISED

LANDSCAPE PLAN WHICH ADDRESSES THE FOLLOWING:

- (1) PROVIDE NATIVE REPLACEMENT TREES, SUCH AS OAK TREES, ALONG THE CAPITOL EXPRESSWAY PROJECT FRONTAGE, AND**
- (2) PROVIDE REPLACEMENT TREES ALONG THE QUIMBY ROAD PROJECT FRONTAGE, THAT ARE COMPATIBLE WITH THE EXISTING STREET TREES ALONG QUIMBY ROAD, WHICH INCLUDE SILVER LINDEN AND RED HORSECHESTNUT.**

COMMISSIONER CABALLERO SECONDED THE MOTION. (6-0-1; OLIVERIO ABSENT)

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **[CP18-022 & T18-034 \(Administrative Hearing\)](#)**. A Conditional Use Permit to demolish an approximately 32,000 square foot building, remove two ordinance-sized trees and two non-ordinance sized trees, and construct a 147-unit affordable housing development for seniors, of which 49 units will be reserved as permanent supportive housing, with approximately 16,000 square feet of ground floor commercial uses, a Special Use Permit to allow up to 16,000 square feet of social service agency uses and one commercial condominium (16,000-sf), site improvements, and a State Density Bonus request for reductions in motorcycle parking, private open space requirements, and use of one City Density Development Incentive (parking reduction) on an approximately 2.0-gross acre site; and a Tentative Map to subdivide 1 lot to 1 lot and allow one residential condominium and one commercial condominium on an approximately 2.0 gross acre site located on the Northside of Blossom Hill (397 Blossom Hill Road) (Blossom Hill L P, Owner) Council District 2. CEQA: Mitigated Negative Declaration for the Blossom Hill Mixed-Use Project, File No. CP18-022.

PROJECT MANAGER, RUTH CUETO

COMMISSIONER BALLARD EXCUSED HERSELF TO AVOID CONFLICT OF INTEREST.

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION, WITH REVISED FINDINGS FOR PARKING (SECTION 5, PAGE 8), ADDED CONDITION #44 VMT REDUCTION MEASURES (PAGE 33, AND CORRECTIONS TO TRAFFIC PEAK HOUR TRIPS FROM 15 AM AND 59 PM TO 50 AM AND 59 PM , TO:

- 1. ADOPT A RESOLUTION ADOPTING THE BLOSSOM HILL MIXED USE PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING AN ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED;**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO TWO CONDOMINIUM UNITS CONSISTING OF ONE RESIDENTIAL CONDOMINIUM AND ONE COMMERCIAL CONDOMINIUM ON AN APPROXIMATELY 2.0 GROSS ACRE SITE.**

3. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF APPROXIMATELY 32,000 SQUARE FOOT BUILDING, REMOVAL OF TWO ORDINANCE-SIZED TREES AND TWO NON-ORDINANCE SIZED TREES, AND CONSTRUCTION OF A 147-UNIT AFFORDABLE HOUSING DEVELOPMENT FOR SENIORS, OF WHICH 49 UNITS WILL BE RESERVED AS PERMANENT SUPPORTIVE HOUSING (RESIDENTIAL CONDOMINIUM), WITH APPROXIMATELY 16,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL USES, A SPECIAL USE PERMIT TO ALLOW UP TO 16,000 SQUARE FEET OF SOCIAL SERVICE AGENCY USES AND ONE COMMERCIAL CONDOMINIUM (16,000-SF FOR COMMERCIAL AND SOCIAL SERVICE AGENCY USES), SITE IMPROVEMENTS, AND A STATE DENSITY BONUS REQUEST FOR REDUCTIONS IN MOTORCYCLE PARKING, PRIVATE OPEN SPACE REQUIREMENTS, AND USE OF ONE CITY DENSITY DEVELOPMENT INCENTIVE (PARKING REDUCTION) ON AN APPROXIMATELY 2.0-GROSS ACRE SITE.**
4. **ADOPT A RESOLUTION APPROVING A DENSITY BONUS REGULATORY AGREEMENT.**

COMMISSIONER BONILLA SECONDED THE MOTION. (6-0-0-1; BALLARD ABSTAINED)

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

7. GOOD AND WELFARE

- a. Report from City Council
No Reports
- b. Review and Approve Action Minutes from 12/4/19
Commissioner Oliverio made a motion to approve the 12/4/19 minutes, Allen seconded the motion. (6-0-1, Ballard absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
None.
- e. The Public Record
No Reports

10. ADJOURNMENT

Meeting adjourned at 8:40 p.m.